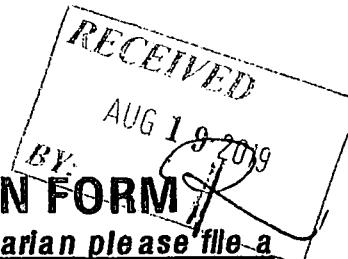


ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007
PHONE (602) 364-1PET (1738) FAX (602) 364-1039
VETBOARD.AZ.GOV



COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: Aug 19, 2019 Case Number: 20-11

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/ CVT: Rick S. Wells
Premise Name: Tempe Veterinary Hospital
Premise Address: 329 W. Southern Ave.
City: Tempe State: AZ. Zip Code: 85282
Telephone: 480-966-0391

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Lizeta Clark
Address: _____
City: _____ State: _____ Zip Code: _____
Home Telephone: _____ Cell Telephone: _____

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

C. PATIENT INFORMATION (1):

Name: Frisky
Breed/Species: Pitbull / Dog
Age: 10yrs. 7 mo. Sex: Female Color: White / Tan

PATIENT INFORMATION (2):

Name: _____
Breed/Species: _____
Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

Rick S. Wells & Terry Gammill 329 W. Southern Ave. Tempe AZ. 480-966-0391.
Dr. Pullen Animal Birth Control 375 W. Ajo Way Tucson AZ. 85713 520-741-7729
DVM Brisa Hsieh Southern AZ. Veterinarian Specialty & Emergency Center 141 E.
FT. Lowell Rd. Tucson AZ. 85705 520-888-3177

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

Manuel Sierra Jr. _____
Michael Long _____

(Cell)

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: Figeta Clark

Date: 8-17-19

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either type written or clearly printed in ink.

1. I was told by Dr. Gammill that Frisky needed to get a Dental Cleaning done prior to having her bleeding gums and Tumor examined. That all treatments would be done on that same day. Treatments consisted of dental cleaning, checking her gums, tooth and skin tags removed. Tumor on gum. Tags on eyelid, chest, leg. I told him I was concerned about her age and I didn't want to put her under anesthesia. I was worried she would not make it through Surgery! I questioned him why she needed Dental Cleaning? That I did not want to do any unnecessary Surgery. He said it was all necessary and would all be done in One Surgery. I called during surgery and was told tooth needed to be pulled. When I picked her up I was under impression that everything had been done!
2. At Follow-Up done by Dr. Rick Wells whom had called me prior and set up the appointment himself. He informed me that the procedures were not all done. He said he would complete all procedures not done and do another Surgery. Biopsy Tissue was not collected till after First Surgery. That should have been the very First thing they should have done before doing anything else! Specialist at Southern Arizona Veterinary Specialty said: They didn't collect any bone sample and that she had! Sample they did was not done properly. Had they done the proper Biopsy gotten right diagnostic results and followed protocol. I would not have agreed to any procedures that they did! They just wanted to get money out of me. they both took advantage of my ignorance and the duress I was under!
3. Based on the information I received from other two Veterinarians. Dr. Gammill and Dr. Wells should have referred me to a Specialist from the beginning! They should have never done any procedures!
4. I was charged for unnecessary procedures and the Diagnose on Biopsy was incorrect. (If done at all) Diagnosis was misleading.
5. This has caused a lot of Pain and Suffering for my Dog Frisky my Mother and family members and me! As well as Frisky's untimely and painful Death! Unnecessary Expenses. Can you please help me ensure this dose not happen to any one else. Help us get Justice!
6. I've attached necessary documents to assist you in this case. I have lost my Baby, Best Friend, Protector, Confidant and Emotional Support Dog!
7. If possible I would like to get reimbursed for all expenses incurred by these Veterinarians at Tempe Veterinary Hospital. My baby Frisky can't be given back to me but Justice for her and for us can be with your help.
8. Registration Sheet was not provided to me. That has reason for our visit with my Dog Frisky. On October 6, 2018. It was just for bleeding Gum and growth, loose tooth. Asked about her skin tags. I would like to have Dr. Wells & Dr. Gammill License taken away if possible.

20-11

09/13/2019

Received
9/18/19

TO WHOM IT MAY CONCERN:

LISTED BELOW IS AN ACCOUNT OF THE EVENTS THAT OCCURRED IN REGARDS TO EXAMINATIONS AND CONVERSATIONS BETWEEN RICK S. WELLS, DVM AND LIZETA CLARK.

10/16/2018

RECEIVED HISTOPATH RESULTS FROM IDEXX LABORATORIES IN REGARDS TO BIOPSY SUBMITTED BY DR. GAMMILL ON 10/8/2018 (TISSUE TAKEN FROM PALATE OF CANINE "FRISKY"). I CALLED LIZETA CLARK TO SET UP AN APPOINTMENT AT MY HOSPITAL TO GO OVER HISTO REPORT, AS WELL AS EXAMINE MOUTH AND REMOVE SKIN SUTURES.

10/23/2018

LIZETA CLARK BROUGHT "FRISKY" IN FOR EXAM. I FOUND UPPER LEFT PM4 (208) TO BE LOOSE, AND LARGE CIRCULAR GROWTH ON PALATE. THE MASS DID NOT INVOLVE THE GINGIVA SURROUNDING THE TOOTH. LIZETA WAS UPSET THAT DR. GAMMILL DID NOT REMOVE MORE TISSUE. I EXPLAINED TO HER THAT DR. GAMMILL SENT IN SAMPLE OF TISSUE. I GAVE HER THE OPTION OF REMOVING AS MUCH TISSUE AS POSSIBLE AND REMOVING THE TOOTH AS WELL. I EXPLAINED TO LIZETA THAT IN ALL PROBABILITY, IT WILL REOCCUR AND REQUIRE MORE AGGRESSIVE FORMS OF THERAPY (I HIGHLIGHTED THIS ON HISTO REPORT AND SHOWED HER THESE REMARKS). LIZETA CLARK WAS VERY CONCERNED WITH COST. BECAUSE OF THIS, I CHARGED A VERY MINIMAL AMOUNT FOR THE TOOTH EXTRACTION (\$85.00) AND IV FLUIDS (\$75.00). I DID NOT CHARGE HER FOR SURGERY OR ANESTHESIA. I DID REMOVE AS MUCH TISSUE AS POSSIBLE AND EXTRACTED THE TOOTH (ALL 3 ROOTS WERE BROKEN; USED ROOT ELEVATOR TO "CLEAN OUT" CANALS). ON DISCHARGE I REITERATED TO LIZETA CLARK THAT GROWTH WILL LIKELY REOCCUR, AND GAVE HER A GUARDED PROGNOSIS. LIZETA CLARK DID COMMENT THAT SHE WILL LIKELY FOLLOW-UP WITH HER REGULAR VET IN TUCSON. THE TISSUE SAMPLES I REMOVED FROM PALATE WERE PLACED IN A HISTO CONTAINER AND SENT HOME WITH LIZETA. WE EXPLAINED TO OWNER THAT SHE HAS THE OPTION OF RE-SUBMITTING THESE SAMPLES FOR ANOTHER HISTOPATHOLOGY IN CASE ANYTHING WAS MISSED BY THE PATHOLOGIST ORIGINALLY. SUGGESTED RECHECK AT OUR HOSPITAL IN 2-3 WEEKS.

11/16/2018

ON EXAMINATION OF "FRISKY", THE MASS ON PALATE HAD REOCCURRED TO ALMOST ORIGINAL SIZE. I SUGGESTED TO LIZETA CLARK OF REFERRAL TO ONCOLOGIST ASAP. LIZETA CLARK DECLINED REFERRAL.

11/30/2018

WE SUBMITTED ALL RECORDS TO ABC VET AND SOUTHERN AZ VET SPECIALTY VIA FAX.

9/11/2019

I WOULD LIKE TO CLARIFY (CORRECT) A FEW ALLEGATIONS MADE BY LIZETA CLARK.

PARAGRAPH #2: I NEVER STATED ON FOLLOW-UP THAT ALL PROCEDURES WERE NOT DONE BY DR. GAMMILL. DR. GAMMILL DID IN FACT REMOVE M1 TOOTH. I FOUND THAT PM4 WAS LOOSE, IN ADDITION SHE SAID BIOPSY WAS NOT TAKEN UNTIL AFTER 1ST SURGERY. DR. GAMMILL DID IN FACT SEND IN A BIOPSY OF ABNORMAL TISSUE (SEE HISTO REPORT). I BELIEVE LIZETA IS CONFUSED AS I REMOVED MORE TISSUE ON 2ND SURGERY AND GAVE HER THE OPTION OF RE-SUBMITTING THESE SAMPLES.

I WOULD ALSO LIKE TO EXPRESS MY SYMPATHY FOR LIZETA ON THE LOSS OF "FRISKY". IT IS NEVER EASY TO LOSE A BELOVED PET, AND I UNDERSTAND THE PAIN AND DISTRESS SHE MUST BE FEELING AFTER HER LOSS.

SINCERELY,

RICK S. WELLS, DVM

DOUGLAS A. DUCEY
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

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INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: PM Investigative Committee: Adam Almaraz - Chair
Amrit Rai, DVM
Christine Butkiewicz, DVM
William Hamilton
Brian Sidaway, DVM

STAFF PRESENT: Tracy A. Riendeau, CVT – Investigations
Dawn Halbrook – Compliance Specialist
Mary Williams – Assistant Attorney General

RE: Case: 20-11

Complainant(s): Lizeta Clark

Respondent(s): Rick Wells, DVM (License: 1237)

SUMMARY:

Complaint Received at Board Office: 8/19/19

Committee Discussion: 10/1/19

Board IIR: 1/15/20

APPLICABLE STATUTES AND RULES:

Laws as Amended August 2018
(Lime Green); Rules as Revised
September 2013 (Yellow)

On October 8, 2018, "Frisky," a 10+-year-old female Pitbull was presented to Dr. Gammill for a dental and growth removals. During the dental procedure, Dr. Gammill noticed a tumor on the left side of the hard palate; a biopsy was obtained and sent for histopathology.

On October 23, 2018, the dog was presented to Dr. Wells for a recheck. After discussion, Complainant agreed to have Dr. Wells remove as much of the mass as possible; Dr. Wells advised that the mass would likely recur.

On November 16, 2018, Dr. Wells re-evaluated the mass and noted that it was almost back to its original size. Referral to an oncologist was recommended and declined.

On December 4, 2018, the dog underwent a CT scan which revealed a mass involving the caudal left maxilla that was invading into the nasal cavity causing boney destruction. A biopsy was obtained that was consistent with osteosarcoma.

Complainant was noticed and appeared.

Respondent was noticed and appeared telephonically.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: Lizeta Clark
- Respondent(s) narrative/medical record: Rick Wells, DVM
- Consulting Veterinarian(s) narrative/medical records: ABC of Tucson; Southern Arizona Veterinary Specialty & Emergency Center.
- Witness(es): Manuel Sierra Jr.

PROPOSED 'FINDINGS of FACT':

1. On October 8, 2018, the dog was dropped off to Dr. Gammill for a dental with fluids and growth removals. Complainant wanted to be called prior to any extractions. The dog was examined and Dr. Gammill noted a small growth on right upper eyelid, one on the chest and another on left rear leg; he recommended removal while the dog was under anesthesia. Pre-surgical blood work was performed and the dog was a surgical candidate.
2. An IV catheter was placed and Lactated Ringer's Solution was started. The dog was pre-medicated with acepromazine and atropine SQ; masked down with isoflurane and oxygen; intubated and maintained on isoflurane and oxygen. Dr. Gammill removed four small growths – right upper eyelid, left side of chest, right rear leg and left rear leg – closed skin with 3-0 braunamid. Dr. Gammill thought they were consistent with hemangiomas, Complainant declined histopathology.
3. The dog's teeth were cleaned and polished; upper first molar was mobile and extracted. Dr. Gammill noted a tumor on the left side of the hard palate and obtained a small biopsy – Complainant approved histopathology. The dog was discharged later that day with Cephalexin 500mg – called into pharmacy – and carprofen 100mg.
4. On October 16, 2018, Dr. Wells went over the histopath results with Complainant – Peripheral giant cell granuloma. Complainant was unhappy that Dr. Gammill did not remove more of the mass in the mouth.
5. On October 23, 2018, the dog was presented to Dr. Wells to recheck the mouth and remove sutures. The skin sutures were removed and incision sites looked good. The mouth was examined; Dr. Wells noted that the upper left 4th premolar was loose and saw a large circular growth on the palate. The mass did not involve the gingiva surrounding the tooth. Complainant was upset that Dr. Gammill did not remove more tissue and Dr. Wells explained that only a sample was submitted for testing. Dr. Wells offered to remove as much tissue as possible and remove the loose tooth as well. He advised Complainant that the mass would likely recur and require more aggressive therapy based on the histopath results. Complainant was cost conscious therefore Dr. Wells reduced his fees.
6. The dog was examined; an IV catheter was placed and Lactated Ringer's Solution was started; the dog was induced with telazol 80mg IV; intubated and maintained on isoflurane. Dr. Wells removed as much of the abnormal tissue as possible with a blade and curette and cauterized some portions around incision to control bleeding. Dr. Wells was unable to suture area closed. He also removed tooth 208 and sutured gingiva with 4-0 maxon. Dr. Wells saved the abnormal tissue removed in formalin and gave to Complainant in case she wanted to submit for

histopathology later at her primary veterinarian in Tucson. The dog was discharged with Clindamycin – called in to a pharmacy and carprofen. Complainant was instructed to recheck in 2 – 3 weeks.

7. On November 16, 2018, the dog was presented to Dr. Wells for a recheck. Complainant was not happy that the mass had recurred. Dr. Wells recommended referral to an oncologist – Complainant declined. He also suggested sending the tissue removed for histopathology – Complainant declined.

8. On November 27, 2018, the dog was presented to Dr. Pullen at Arizona Birth Control of Tucson for a second opinion. Dr. Pullen did not have any previous medical records, tests or information on the previous veterinarians. Complainant advised that a tumor was submitted for pathology, she was told of the results and to not worry about that type of tumor.

9. Dr. Pullen examined the dog and removed sutures at the site of the upper left premolar. Eroded bone was visible and apparently entering the nasal turbinate. Medially and adjacent to the upper left arcade, the hard palate was elevated causing distortion of the hard palate – possibly from infection or tumor. Dr. Pullen recommended requesting copies of medical records and contacting the pathologist. He further recommended taking the dog to a specialist. Complainant was upset as this would be more costly.

10. On December 3, 2018, the dog was presented to Dr. Hsieh for consult of a mass on the left maxilla. After reviewing the dog's history and conducting an exam, Dr. Hsieh recommended a CT scan to determine options. She also recommended obtaining another biopsy as the mass was aggressive – it was also recommended to stop administering Tylenol.

11. On December 4, 2018, the dog was presented to Dr. Hsieh for a CT scan. The CT scan revealed a mass involving the caudal, left maxilla that was invading into the nasal cavity and causing boney destruction. Based on the scan, the mass did not appear surgical. A Tru-cut biopsy was obtained and was consistent with an osteosarcoma.

12. On December 11, 2018, Dr. Hsieh went over the results of the CT report and biopsy. Therapies were discussed and median survival time, as well as the costs associated with treatment. Complainant declined and elected to keep the dog comfortable with carprofen.

13. Dr. Hsieh advised Complainant that the biopsy sample she obtained had only a few areas of osteoid. Per the pathologist, without the presence of osteoid, it can be difficult to differentiate an oral peripheral giant cell granuloma from osteosarcoma, which was what was seen on the first biopsy taken by Dr. Gammill.

COMMITTEE DISCUSSION:

The Committee discussed that Dr. Gammill was a relief veterinarian for Dr. Wells therefore it was appropriate for Dr. Wells to reach out to Complainant to discuss the biopsy results and provide rechecks.

A biopsy was performed and sent for histopath; it takes multiple days before results are reported

due to the process.

Dr. Wells noted there was a loose tooth on the subsequent visit; it is hard to determine if the tooth was loose at the time Dr. Gammill saw the dog. The tooth was not involved in the mass, but the tumor was very evasive.

The type of tumor the dog had could show as an inflamed peripheral giant cell granuloma if the proper part of the mass was not sampled or if the sample was not taken deep enough. Even with the oncologist's sampling there were only a few areas of osteoid found. Therefore the Committee did not feel Dr. Gammill did anything wrong and Dr. Wells read the histopath results at face value.

When Dr. Gammill and Dr. Wells saw the mass, it was likely just developing. It took the disease to progress to be more of a concern when seen by Dr. Pullen, who referred Complainant to a specialist. However, Dr. Wells also recommended Complainant see a specialist, which was declined. If the sample Dr. Wells took of the mass was submitted for histopath, a diagnosis could have been made sooner; although it may not have changed the outcome.

The Committee expressed concerns with Dr. Pullen's behavior towards his colleagues after seeing the dog 7 weeks later, without the benefit of having seen what the dog looked like 2 months earlier, and without the benefit of the records. The Committee recommended the Board look into Dr. Pullen's conduct.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the Veterinary Practice Act occurred.

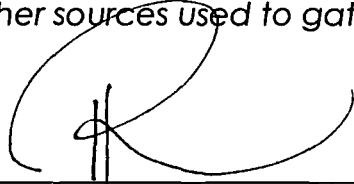
COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 5 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.



Tracy A. Riendeau, CVT
Investigative Division